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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/839,482	04/21/2001	Tadamasa Kitsukawa	50P4368	2610
7590	11/02/2005		EXAMINER	
John L. Rogitz Rogitz & Associates 750 B Street, Suite 3120 San Diego, CA 92101			SRIVASTAVA, VIVEK	
			ART UNIT	PAPER NUMBER
			2617	
			DATE MAILED: 11/02/2005	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/839,482	KITSUKAWA ET AL.	
	Examiner	Art Unit	
	Vivek Srivastava	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 August 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1 and 2.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US 6,809,776) in view of Klosterman et al (US 6,469,753).

Regarding claim 1, Simpson discloses a method and system for displaying internet content on a television. Simpson discloses a television (see col. 6 lines 11 – 15) enabling a user to access the Internet (see col. 3 lines 38 – 47) to simultaneously display, in a picture-in-picture fashion, Internet content and television content by receiving, via tuner 1105 (see fig 1), a plurality of television frequencies or channels (see col. 2 lines 61 – 65). Simpson further discloses a PIP processor 1140 (see fig 1)

which mixes television channels with internet content and video signal processor 1155 comprising a switch (see co. 4 lines 43 – 56), which receives an output from the PIP processor mixer 1140 (see fig. 1), to pass the output to a display based on the channel selected for display on television 500 (see fig 5A).

Simpson fails to disclose the claimed virtual channel, the virtual channel representing a web page, and mixing television channels with a virtual channel.

In analogous art, Klosterman teaches a television system which integrates TV content with Internet content. Klosterman teaches providing a virtual channel in which the virtual channel represents a web page (see col. 9 lines 20 – 53), wherein providing a virtual channel enables a user to not only access additional information, but also enables a user to participate in promotions (see col. 9 lines 50 – 52).

Therefore, it would have been obvious to one having ordinary skill in art at the time the invention was made to modify Simpson to include the claimed virtual channel, the virtual channel representing a web page, and mixing television channels with a virtual channel for the benefit of enabling a user to access additional information and participate in promotions relating to television programs.

Regarding claim 2, the combination of Simpson and Klosterman teaches the claimed limitation, wherein Simpson teaches a television receiver comprising microprocessor 1110 (see col. 2 line 62 – col. 3 line 47) for processing the received internet content (see fig. 1), it is noted that content received is inherently stored in a memory in the microprocessor as necessary for performing the required processing and Klosterman teaches the virtual channel (as discussed above) and integrating a

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peripheral processing device into a television (see col 1 lines 55 – 60), thus the combination teaches “wherein the content of the virtual channel is stored in memory within the television”.

Regarding claim 3, the combination of Simpson and Klosterman teaches the claimed limitation, wherein Klosterman teaches a virtual channel comprising internet content (col 9 lines 19 – 53). It is noted since the content is received upon request, it must be inherently stored remotely at a headend, server provider, server, or ISP etc.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US 6,809,776) in view of Klosterman et al (US 6,469,753), as applied to claim 1 above, and further in view of Levitan (US 6,698,023) and Morley et al (US 2002/0056081).

Regarding claim 4, the combination of Simpson and Klosterman teaches transmitting web pages over a virtual channel for local storage (as discussed above) and Simpson further discloses transmitting content via a cable modem line (see col 3 lines 38 – 47), wherein the television content and internet content are received via separate lines. Thus the combination of Simpson and Klosterman teaches transmitting web pages over a virtual channel and transmitting internet content via cable modem. The combination of Simpson and Klosterman fails to teach updates to the virtual channel are sent via DSL.

In analogous art, Levitan teaches television internet access system which re-transmits updates to web pages (see col 3 lines 49 – 57). Therefore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson and Klosterman to send updates for the benefit of providing a user with the most up-to-date and recent web page information.

The combination of Simpson, Klosterman and Levitan fails to teach transmitting the updates via DSL.

In analogous art, Morley teaches providing updates to information via modem and DSL links (see para [0099]), wherein DSL links characteristically provided high speed data transfers. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson, Klosterman and Levitan to include transmitting updates via DSL for the benefit of transmitting updates to the virtual channel content via a high speed link.

Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US 6,809,776) in view of Klosterman et al (US 6,469,753), as applied to claim 1 above, and further in view of Levitan (US 6,698,023).

Regarding claim 5, the combination of Simpson and Klosterman teaches transmitting web pages over a virtual channel for local storage (as discussed above) and Simpson further discloses transmitting content via a cable modem line (see col 3 lines 38 – 47), wherein the television content and internet content are received via separate lines. Thus the combination of Simpson and Klosterman teaches transmitting web pages over a virtual channel and transmitting internet content via cable modem.

The combination of Simpson and Klosterman fails to teach updates to the virtual channel are sent via cable modem line.

In analogous art, Levitan teaches television internet access system which re-transmits updates to web pages (see col 3 lines 49 – 57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson and Klosterman to send updates via a cable modem for the benefit of providing a user with the most up-to-date and recent web page information.

Regarding claim 9, the combination of Simpson and Klosterman fails to disclose the claimed sending information pertaining to at least one update to the television and at the television, using the information to determine whether to download the update to the television. It is noted, as discussed above, the combination of Simpson and Klosterman discloses storing web pages in the television.

In analogous art, Levitan teaches providing a user with updates to a web page, wherein a user profile at the user site is used to determine if the data is stored (added to the list) and presented to the user (see col 5 lines 58 – 67). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson and Klosterman to include the claimed limitation for the benefit of providing a user with customized and most up-to-date web page information received over the virtual channel.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US 6,809,776) in view of Klosterman et al (US 6,469,753), as applied to claim 1 above, and further in view of Levitan (US 6,698,023) and Alexander et al (US 6,177,931).

Regarding claim 6, the combination of Simpson and Klosterman teaches transmitting web pages over a virtual channel for local storage (as discussed above) and Simpson further discloses transmitting content via a cable modem line (see col 3 lines 38 – 47). Thus the combination of Simpson and Klosterman teaches transmitting web pages over a virtual channel and transmitting internet content via cable modem. The combination of Simpson and Klosterman fails to teach updates to the virtual channel are sent via at least one VBI of a television signal.

In analogous art, Levitan teaches television internet access system which re-transmits updates to web pages (see col 3 lines 49 – 57). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson and Klosterman to send updates for the benefit of providing a user with the most up-to-date and recent web page information.

The combination of Simpson, Klosterman and Levitan fails to teach transmitting the updates via at least one VBI of a television signal.

In analogous art, Alexander teaches providing updates to information via the VBI (see col. 12 lines 1 – 9). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson, Klosterman and Levitan to include transmitting updates via the VBI for the benefit of

transmitting updates to the virtual channel content during periods of time when no video information is being transmitted thereby providing a system which more efficiently transmits data.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US 6,809,776) in view of Klosterman et al (US 6,469,753), as applied to claim 1 above, and further in view of Levitan (US 6,698,023) and Das et al (US 6,493,688).

Regarding claim 7, Simpson discloses a conventional IR remote control enabling a user to enter commands (see col 3 lines 29 – 31) to the television system but fails to disclose using the input from a remote control to establish a consumer profile and fails to disclose using the consumer profile to establish updating at least one virtual channel on the television (it is noted that the combination of Simpson and Klosterman teaches the claimed virtual channel on the television as discussed above).

In analogous art, Levitan teaches television internet access system which re-transmits updates to web pages (see col 3 lines 49 – 57) and updates a list according to an established user profile (col 5 lines 57 – 67).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson and Klosterman, based on the teachings of Levitan, to establish a consumer profile and using the established consumer profile to update the web page received on the virtual channel for the benefit of providing a user with customized updates to web pages thereby providing a user with the most up-to-date and recent web page information.

The combination of Simpson, Klosterman and Levitan fails to disclose using a conventional remote control for establishing a user profile. In analogous art, Das teaches using a conventional remote control for establishing a consumer profile (see col 3 line 58 – col 4 line 14). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a conventional remote control for establishing a consumer profile for the benefit of establishing the consumer profile by using a well known, easy to use and cost effective device.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson (US 6,809,776) in view of Klosterman et al (US 6,469,753), Levitan (US 6,698,023) and Das et al (US 6,493,688), as applied to claim 7 above, and further in view of Khoo et al (US 6,434,747).

Regarding claim 8, the combination of Simpson, Klosterman and Levitan teaches wherein the input is received and stored in memory inside the television at a first time (as discussed above), however the combination fails to disclose the input is transmitted to a site remote from the television at a second time.

In analogous art, Khoo teaches transmitting a user profile from a user location to server to enable transmission and reception of customized content (see col. 4lines 56 – 59, col. 14 lines 15 – 22).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Simpson, Klosterman, Levitan and Das to include the claimed transmitting the input to a remote site at a

second time (after the first time when it is received by the client device) for the benefit of filtering and transmitting customized virtual content at the server thus minimizing bandwidth consumption by only transmitting virtual content which the user prefers to receive.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (US 6,631,523) in view of Connelly (US 6,144,376) in view of Simpson (US 6,809,776).

Regarding claim 10, Matthews discloses an interactive television system in wherein a user can access additional supplemental content via hyperlinks to target resources. Matthews discloses a set-top box 26 supported on the housing of the interactive TV 28 (see fig 1). Matthews further discloses the user interface unit, which is the set-top box (see col 5 lines 50 – 52), comprises a television tuner 98 and a modem/tuner 100 or ‘web page receiver’ (see col 8 lines 19 – 33) coupled to the internet for receiving web page content (see col 7 lines 18 – 20). It is noted that since the television tuner and the web page receiver are located in the set-top box, and the set-top box is supported on the housing of the interactive television, Matthews discloses the claimed ‘television tuner supported on a housing of the interactive TV’ and ‘Web page receiver on the housing of the Interactive’ limitations.

Matthews fails to disclose the web page received at the receiver is associated with a virtual channel.

In analogous art, Connelly teaches an interactive television system which merges content received from a television broadcast provider and the Internet to provide a user with merged TV listing program guide (see fig 3b and col. 4 lines 32 – 56). Connelly further teaches, Internet content channels 9 and 10 (virtual channels), which do not include television programming, can provide a user with a variety of content including Internet listings, Web sites, local or on-line games and other PC content available to PC users (see col 2 lines 60 – 66). It would have been obvious providing a user with a dedicated virtual channel would have provided a user with access to a wide variety of content and entertainment including but not limited to Internet listings, Web sites, local or on-line games and other PC content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews to include the claimed virtual channel for the benefit of providing a user with access to a wide variety of content and entertainment thereby enhancing a user's interactive experience.

Although Matthews discloses accessing and displaying the supplemental web pages, Matthews fails to disclose a mixer for receiving signals from the tuner and the web page receiver and selectively mixing TV signals with Internet signals for display thereof on a TV screen.

In analogous art, Simpson teaches a system which selectively mixes internet content and TV signals providing a user with a picture-in-picture display. Simpson teaches a PIP processor 1140 (fig 1) which selectively mixes (see col 5 lines 1 – 16) received television signals from tuner 1105 (fig 1) with internet content received

communication interface unit 1113 (fig 1) enabling web browsing (see col 3 lines 45 – 47) to provide a mixed PIP display (See fig 5A and fig 5B).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews, based on the teachings of Simpson, to include a mixer for the benefit of providing a user with a picture-in-picture display of TV content with Web page content enabling simultaneous display of multiple content at the same time.

Regarding claim 11, the combination of Matthews, Connelly and Simpson teaches the claimed limitation, wherein Connelly teaches outputting a TV channel (channels 2, 4, 5 – see fig 5c) or virtual web page channel 10 based on a user selecting or switching to the channel and wherein Simpson discloses a switch (located in video signal processor 1155 – see fig 1 and col. 4 lines 44 – 56, col. 5 lines 1 – 16) at an output of the mixer 1140 (fig 1) configured to present a TV channel signal, an Internet signal and a combination thereof. It is noted that combination thereof includes a TV channel signal and an internet signal and the claimed ‘virtual channel signal’ was met by Connelly as discussed above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
10/29/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER